

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1804 OF 2024

Mohd Khalil Mohd Jalil Salmani .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Rajendra Rathod a/w Umar Dalvi for the applicant.
Ms.Mahalakshmi Ganapathy, APP for State.
Mr.N.P. Sawant, P.S.I, Mankhurd Police Station.

CORAM: BHARATI DANGRE, J.
DATED : 8th MAY, 2024

P.C:-

1 The learned APP, had made a statement that the third witness was likely to be examined yesterday, but now it is informed that the witness has been dropped, by the prosecution.

2 The learned counsel for the applicant, being conscious of the fact that on earlier two occasions, on merits, the application was rejected, would submit that the charge having being framed on 14/02/2023, the applicant/accused has admitted the spot panchanama as well as inquest panchanama. According to him, the prosecution witness, which was to be examined is dropped by the prosecution and now the next date for trial is given as 30/05/2024.

He is particularly justified in submitting that pending

the trial, the applicant is incarcerated for almost 5 years and 20 more witnesses are to be examined.

Learned APP, Ms. Ganapathy, however state that the prosecution now intend to examine only 8 witnesses.

3 In these circumstances, I request the Principal Sessions Judge, who is seized with Sessions Case No.2160 of 2019 to fix a program of trial in advance and communicate the same to the public prosecutor, so that the witnesses can be directed to remain present on the given dates.

Considering the long incarceration of the applicant, and now for more than 5 years, let the 8 witnesses be examined with top most priority and preferably within period of two months from 30/05/2024.

As far as the investigating officers, or even medical officer is concerned, the learned Judge is at liberty to examine these witnesses by use of video conferencing facility, which will reduce the length of the trial.

Upon conclusion of the evidence within two months, the statement of the accused under Section 313 shall be recorded on or before 31/08/2024 and upon conclusion of arguments of the prosecution and that of the defence, the judgment shall be pronounced on or before 31/10/2024.

4 The aforesaid program is scheduled particularly in the wake of the long incarceration of the applicant, and it is

expected that the learned Sessions Judge shall adhere to the said program and give priority to the trial, considering the long incarceration of the applicant.

With the aforesaid directions, the application is disposed off.

5 The learned APP shall bring this order even to the notice of prosecutor, who is appearing in the trial as well as the copy shall be forwarded through the Registry to the learned Principal Sessions Judge, who is seized of the trial.

(SMT. BHARATI DANGRE, J.)